



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/NS/MCM
F. #2019R00029

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 12, 2021

By ECF

The Honorable Ann M. Donnelly
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Robert Kelly
Criminal Docket No. 19-286 (S-3) (AMD)

Dear Judge Donnelly:

The government writes in response to the defendant Robert Kelly's letter dated July 12, 2021, requesting that the Court order that the Brooklyn MDC permit defense counsel to meet with the defendant at the Brooklyn MDC seven days a week between 8:00 a.m. and 8:00 p.m. (See Ltr. of Deveraux Cannick, Esq., dated July 12, 2021 (ECF Dkt. No. 122)). For the reasons described below, the government respectfully submits such an order is not warranted.

On Friday, July 9, 2021, defense counsel, Deveraux Cannick, Esq., requested by email that the government assist him in scheduling a visit to the Brooklyn MDC for Saturday, July 10, 2021 between 11:00 a.m. and 5:00 p.m. and for Sunday, July 11, 2021 between 10:00 a.m. and 3:00 p.m. The government immediately contacted counsel for the Brooklyn MDC who agreed to assist. (The government advised defense counsel that going forward, he could arrange for future visits by completing the online form and following up with an email).

During the afternoon of Saturday, July 10, 2021, counsel for the MDC advised the government that she had mistakenly confirmed the meeting when in fact the MDC closed for visiting earlier than 5:00 p.m. on Saturday.¹ The government immediately contacted

¹ Counsel for the Brooklyn MDC initially advised that the legal visit would need to end at 4:00 p.m. on Saturday, which information the government passed along to defense counsel. Today, counsel for the Brooklyn MDC clarified that legal visits end at 3:30 p.m.

defense counsel by email and advised him of such. Today, in response to a request for clarification from the government, counsel for the MDC advised that she had misspoken when she represented to the government that MDC was open for legal visits every day between 8:00 a.m. and 8:00 p.m., a representation that the government then passed along to the Court and defense counsel. According to counsel for the MDC, the MDC is open for legal visits Monday through Friday, 8:00 a.m. to 8:00 p.m., and Saturday and Sunday, 8:00 a.m. to 3:30 p.m. (not 8:00 p.m. as the government initially represented). The government regrets the misinformation that it provided to the Court and defense counsel, but submits that the defendant continues to have plenty of time to prepare for trial and that the Court need not issue an Order to the Brooklyn MDC. In fact, contrary to his representation in the letter to the Court, this past weekend, the defendant lost 1.5 hours (3:30 p.m. to 5:00 p.m. on Saturday) – not 10 hours - as a result of the miscommunication.

Respectfully submitted,

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cc: Clerk of the Court (AMD) (by ECF)
All counsel (by ECF)

(not 4:00 p.m.) on Saturdays and Sundays. Because defense counsel requested only to stay until 3:00 p.m. on Sunday, the earlier closing time had no effect on defense counsel's planned visit for Sunday.